

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

LFP Internet Group, LLC,  
A CALIFORNIA COMPANY,  
PLAINTIFF,

VS.

DOES 1-635

DEFENDANTS.

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C.A. NO.: 3:10-cv-01863-O

**PLAINTIFF’S OPPOSITION TO MOTION TO DISMISS FOR LACK OF PERSONAL  
JURISDICTION FILED BY KAMAL ROWE [Dkt. 6]**

**I. A NON-PARTY DOES NOT HAVE STANDING TO FILE A MOTION TO DISMISS**

On November 15, 2010, Kamal Rowe filed with this Court a motion to dismiss himself from the above case for lack of personal jurisdiction. (Dkt. #6) In his motion and supporting affidavit, Rowe purports to be Doe Defendant #8 and, at the same time, denies knowledge of or involvement in the copyright infringement alleged in Plaintiff’s Complaint. Rowe filed the Motion to Dismiss in response to a notice that he stated to have received from his internet service provider, RCN Corporation (“RCN”), informing him that RCN was served with a subpoena from Plaintiff demanding the release of his name and address. At the same time that he filed his Motion to Dismiss, Rowe filed a motion to quash the subpoena served upon RCN. (Dkt. #7)

Presently, RCN has not provided Plaintiff with information for any of the doe defendants in this case, nor will it provide information regarding Doe Defendant #8 until the disposition of Rowe’s Motion to Quash, assuming that Rowe notified RCN of said Motion. Accordingly, Plaintiff does not have information identifying Rowe as the account holder for the

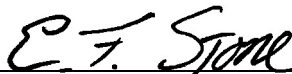
IP address involved in the copyright infringement for which relief is sought. Until RCN provides this information, Plaintiff does not plan to name Rowe as a defendant in this case, nor seek the issuance of a summons in his name.

Under Rule 4 of the Federal Rules of Civil Procedure, a defendant must be properly served with a summons, along with a copy of the complaint, to be made a party to the case. Fed. R. Civ. P. §§4(b) - (c). Accordingly, it is improper for Kamal Rowe to identify himself as a Defendant at this time or to move for the dismissal of any John Doe Defendant.

Respectfully Submitted,

LFP Internet Group, LLC

**DATED:** December 5, 2010

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Evan Stone  
State Bar No. 24072371  
624 W. University Dr., #386  
Denton, Texas 76201  
e-mail: lawoffice@wolfe-stone.com  
469-248-5238  
310-756-1201 Fax